

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



Project Name: **HIGH MEADOW SUBDIVISION**

Case Number: PLD2004-00115; SEP2004-00188; HAB2004-00258;
WET2004-00027; ARC2004-00054

Hearing Examiner: Richard Forester

Location: 6720 NE 56th Avenue

Request: Subdivide approximately 18-acres into 83 single-family residential
lots located in the R1-6 Zoning District

Applicant: Moss & Associates
Attn: Tim Smith
717 NE 61st Street, Suite 202
Vancouver, WA 98665
Phone - (360) 260-9400, ext. 30
Fax - (360) 260-3509
E-mail - tims@mossandassociates.net

Owner: Stephen Lindeman
6720 NE 56th Avenue
Vancouver, WA 98661

RECOMMENDATION

APPROVAL, subject to conditions

Team Leader's Initials: _____ **Date Issued:** **March 30, 2005**

Public Hearing Date: **April 14, 2005**

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Richard Daviau	4895	richard.daviau@clark.wa.gov
Engineer:	Paul Knox	4910	paul.knox@clark.wa.gov
Engineer: (Trans. Concurrency):	Shelley Oylear	4354	shelley.oylear@clark.wa.gov
Wetland Biologist:	Brent Davis	4152	brent.davis@clark.wa.gov
Habitat Biologist:	David Howe	4598	david.howe@clark.wa.gov
Team Leader:	Susan Ellinger	4272	susan.ellinger@clark.wa.gov
Eng. Supervisor:	Richard Drinkwater, P.E.	4492	richard.drinkwater@clark.wa.gov
Eng. Supervisor: (Trans. Concurrency):	Steve Schulte, P.E.	4017	steve.schulte@clark.wa.gov

Comp Plan Designation: Urban Low Density

Zoning: R1-6

Legal Description: Tax Lots 17 (156437), 15 (156435), and 10 (156430) in the Southwest quarter of Section 7 Township 2 North, Range 2 East of the Willamette Meridian

Applicable Laws:

Clark County Code Chapters: 40.220.010 (Single-family Residential Districts); 40.350.020 (Transportation Concurrency); 40.350.030 (Road Standards); 40.370.010 (Sewer); 40.370.020 (Water); 40.380 (Stormwater and Erosion Control); 15.12 (Fire); 40.5 (Procedures); 40.540.040 (Subdivisions); 40.570 (SEPA); 40.6 (Impact Fees); and RCW 58.17 (State Platting Laws)

Neighborhood Association:

Andresen/ St. Johns Neighborhood Association, **Contact** – Deborah Hoffman, 7318 NE 61st Avenue, Vancouver, WA 98661, **Phone** - (360) 699-4043

Time Limits:

The application was submitted on December 27, 2004 and determined to be fully complete on February 4, 2005. Therefore, the County Code requirement for issuing a decision within 92 days lapses on May 7, 2005. The State requirement for issuing a decision within 120 calendar days lapses on June 4, 2005.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application can earlier contingently vest if a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

The pre-application was contingently vested and a fully complete application was filed within 180 calendar days from the issuance of the PAC report. Therefore, the application is vested on the pre-application submittal date of July 22, 2004. The application vested for transportation concurrency on January 21, 2005.

Public Notice:

Several methods of community outreach were utilized in processing this application. Notice of application and public hearing was mailed to the applicant, Andresen/St. Johns Neighborhood Association, and property owners within 300 feet of the site on February 22, 2005. One sign was posted on the subject property and two within the vicinity on March 30, 2005. Notice of the SEPA Determination and public hearing was published in the "Columbian" Newspaper on February 22, 2005. A public hearing will be held on April 14, 2005 which will offer the public further opportunity to comment on the proposed development.

Public Comments:

The County has not received written comments to date regarding the proposal.

Project Description/Background

The applicant proposes to divide the subject site into 83 single-family residential lots located near the intersection of NE 68th Street and NE 56th Avenue. The site has been used for agriculture as well as for residential uses and currently is occupied by fallow fields, a single-family home, and accessory structures. There is a manmade ditch running along the north property line which is regulated as a wetland by the Army Corps of Engineers, but is exempt from the County's Wetland Ordinance. The following is a comprehensive plan, zoning and use chart of the area surrounding the site:

Compass	Comp Plan	Zoning	Current Land Use
Site	UL	R1-6	Single-family residential
North	UL	R1-6	Single-family residential
South	UL	R1-6	Single-family residential
East	UL	R1-6	Single-family residential
West	ML	ML	Single-family residential

Major Issues and Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

1. Earth
2. Air
3. Water
9. Housing
10. Aesthetics
11. Light and Glare

- | | |
|---------------------------------|--|
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1 – Lot Standards

The proposed subdivision is located in the R1-6 Zone which requires an average minimum lot size of 6,000 square feet and an average maximum lot size of 8,500 square feet. The submitted preliminary plat identifies an average minimum lot size of 6,303 square feet which complies with the lot size requirements.

The R1-6 Zone also requires an average lot width of 50 feet and an average lot depth of 90 feet. Proposed lots 23, 24, 25, 26, 29, 31, 69, and 76 do not comply with the lot width requirement. The applicant will need to redesign the plat so these lots each have an average lot width of 50 feet. (See Condition A-1)

Finding 2 – Landscape Buffer

A 20-foot L3 Landscape buffer is required along the western property line of the site abutting the ML Zoned property pursuant to CCC Table 40.320.010-1. The applicant needs to submit a landscape plan with the final plat review that identifies the required L3 screen along the western property line. This buffer area should be placed in a separate tract or easement and a home owners association should be formed with appropriate documentation submitted along with the final plat that require the owners of the proposed plat to maintain the landscaping in accordance with the approved final landscape plan. The final plat should identify building envelopes for lots affected by this buffer. (See Condition A-2)

Finding 3 – Setbacks

Although details of home construction on the proposed lots have not been provided or required, the following setbacks apply to the proposed plat:

- Twenty foot front setback for all buildings
- Ten foot street side setbacks

- Five foot standard setback for all other side and rear setbacks in the plat
- A 20-foot L3 Landscape buffer along the western property line, abutting the ML Zoned property. The final plat should identify building envelopes that take this into consideration. (See Condition A-2)

A note on the plat is warranted that identifies setback requirements (see Plat Note C-1).

Finding 4 – Existing Structures

There is a single-family home with accessory structures on the subject site. The applicant has indicated that all structures will be removed at the start of construction. All existing structures on the site should be removed prior to final plat approval. (See Condition A-3)

Finding 5 – Manufactured Homes

The applicant has not indicated that manufactured homes would be placed on the lots in the proposed plat. Therefore, pursuant to CCC 18.406.020(U), manufactured homes are prohibited on any lot in this plat (see Plat Note C-2).

Finding 6 - State Platting Standards (RCW 58.17)

A man-made drainage ditch exists along portions of the northern property line. There is an eight to ten foot drop from the top to the bottom of the ditch. Staff finds this to be a safety issue which would have a significant public health and safety impact on the residents of the plat without a barrier to separate the drainage ditch from the proposed lots immediately to the south. The applicant should provide a fence or other acceptable solid barrier that separates the drainage ditch from the proposed lots immediately to the south in order to make appropriate provisions for public health, safety, and general welfare. (See Condition A-4)

With conditions of approval, staff finds the proposed subdivision will make appropriate provisions for public health, safety, and general welfare. Connection of the proposed residences to public water and sewer, as well as treatment of any increase of stormwater runoff, will be provided, to protect groundwater supply and integrity. Impact Fees will also be required to contribute a proportionate share toward the costs of school, park and transportation provisions, maintenance and services.

WETLANDS:

Finding 7

There are no jurisdictional wetlands or wetlands buffers on the site. Refer to the wetland pre-determination report (WET2004-00027, Tab 10 of Exhibit 6).

Conclusion:

No wetland conditions (including the standard wetland conditions) are required.

HABITAT:

Finding 8

According to the GIS mapping indicators, non-riparian habitat is present on the site. Much of the western property is mapped Urban Natural Open Space (UNOS), by the Washington Department of Fish and Wildlife (WDF&W). An Urban Natural Open Space (UNOS) area is defined as an area containing "comparatively high fish and wildlife

density, high fish and wildlife species diversity, important fish and wildlife breeding habitat, important fish and wildlife movement corridors, limited availability, [and] high vulnerability to habitat alteration." According to WDF&W, the principle areas on or near this property that fall into this category include any wetlands or buffers, remnant patches of forest land, and adjacent pasture land that supports wildlife foraging, movement, and dispersal activities. In addition, Cold Creek ditch is also present on or near the properties. However, Cold Creek in this location has been determined by WDF&W to not be a water of the state. Therefore, Cold Creek is not jurisdictional under the HCO.

The applicant proposes to develop much of the non-riparian habitat on the property into residential housing. As mitigation for this development encroachment within the habitat area, the applicant is designating compensatory open space and will be enhancing the open space area with native vegetation. Staff finds that the habitat mitigation proposed by the applicant adequately offsets the development encroachment within the habitat area subject to conditions. Therefore, staff finds the proposal can comply with CCC Chapter 40.440, if Conditions A-5, A-6, A-7, and D-2 are met.

TRANSPORTATION CONCURRENCY:

Finding 9 – Concurrency

County concurrency staff has reviewed the proposed High Meadow Subdivision consisting of 82 single family home lots. The proposed development is located north of NE 63rd Street, along NE 56th Avenue. The applicant's traffic study has estimated the weekday AM peak hour trip generation at 61 new trips, while the PM peak hour trip generation is estimated at 82 trips. The applicant submitted a traffic study for this proposal in accordance with CCC 40.350.020B and is required to meet the standards established in CCC 41.350.020G for corridors and intersections of regional significance. The County's TraffixTM model includes the intersections of regional significance in the area and the County's model was used to evaluate concurrency compliance.

Site Access - Level of Service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur at the site access onto NE 63rd Street. The access appears to maintain acceptable LOS.

Operating LOS on Corridors - The proposed development was subject to concurrency modeling. The modeling results indicate that the operating levels comply with travel speed and delay standards. The applicant should reimburse the County for costs incurred in running the concurrency model. (See Condition A-8)

Intersection Operating LOS - The proposed development was subject to concurrency analysis for intersections of regional significance. Capacity analyses were also conducted for impacts to public roadway intersections adjacent to the proposed development site. The study reports acceptable operating levels for the intersection of NE 56th Avenue/NE 63rd Street.

Concurrency Compliance - The proposed development complies with the Concurrency Ordinance CCC 40.350.020.

Finding 10 - Safety

Where applicable, a traffic study shall address the following safety issues:

- traffic signal warrant analysis
- turn lane warrant analysis
- accident analysis
- any other issues associated with highway safety

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6) The code states that “nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

Traffic Signal Warrants - Signal warrants are not met at any of the subject intersections analyzed in the applicant’s traffic study.

Turn Lane Warrants - Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway. The applicant’s traffic study analyzed the roadways in the local vicinity of the site to determine if turn lane warrants are met. Turn lane warrants were not met at any of the unsignalized intersections analyzed in the applicant’s traffic study; therefore, mitigation is not required.

Collision History - The applicant’s traffic study analyzed collision history at regionally significant and adjacent intersections impacted by the proposed development. The collision rates at these intersections do not exceed thresholds that would warrant additional analysis. Therefore, mitigation by the applicant is not required.

Traffic Controls During Construction - During site development activities, the public transportation system (roadways, sidewalks, bicycle lanes, etc.) may be temporarily impacted. In order to minimize these impacts and coordinate work occurring in the public right-of-way, the applicant will need to prepare and have approved a Traffic Control Plan. (See Condition B-1)

The applicant shall maintain all existing signs within the public right of way within the limits of the development's construction until the public roads have been accepted by the County. The developer shall install and maintain temporary signs where the development's signing and striping plan shows new or modified warning or regulatory signs. New or modified temporary signing shall be installed when any connection is made to the public road network. The developer shall remove the temporary signs immediately after the County installs the permanent signing and striping.

TRANSPORTATION

Engineering comments were not available at the time of mailing the staff report. Upon their availability, they will be subsequently mailed.

STORMWATER:

Engineering comments were not available at the time of mailing the staff report. Upon their availability, they will be subsequently mailed.

FIRE PROTECTION:

Finding 11

Tom Scott (in the Fire Marshal's Office) reviewed this application and can be reached at (360) 397-2375 x 4095 or 3323 if there are any questions regarding the following review (The site is in Clark County Fire District 5):

- a. Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition B-2)
- b. Fire flow in the amount of 1000 gallons per minute supplied for 60 minute duration is required for this application. The applicant has submitted a utility review from Clark Public Utilities indicating that the required fire flow is available to the area. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (See Condition A-9)
- c. Fire hydrants are required for this application and either the indicated number or spacing of hydrants is inadequate. Hydrants shall be installed per Fire Marshal standards with locations approved by the Fire District Chief. (See Condition A-9)
- d. The roadways and maneuvering areas as indicated in the application meet the requirements of the Clark County Road Standards. The applicant should provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (See Condition A-10)

HEALTH DEPARTMENT:

Finding 12

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (See Condition D-8)

UTILITIES:

Finding 13

The applicant has submitted utility reviews from the City of Vancouver Utilities indicating that public sewer and water is available to the subject site. All lots in the proposed plat must connect to approved public sewer and water systems. A copy of the final

acceptance letter from the sewer and water purveyor should be submitted to the Health Department with the final plat mylar. The applicant needs to comply with all requirements of the purveyor. (see Condition D-9)

IMPACT FEES:

Finding 14

All residential lots created by this plat will produce impacts on schools, parks, and traffic, and will be subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) per dwelling. The site is within the Vancouver School District with a SIF of \$1,725.00, Park District 7 with a PIF of \$1,445.00 (acquisition) & 440.00 (Development), and the Orchards Transportation Subarea with a TIF of \$1,399.13.

Impact fees shall be paid prior to issuance of a building permit for each lot. If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate. (see Condition B-3 & C-9)

SEPA DETERMINATION

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on February 22, 2005 is hereby final.

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$191**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for

review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;

3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Richard Daviau, (360) 397-2375, ext. 4895

Responsible Official: Michael V. Butts
Department of Community Development

RECOMMENDATION

Based upon the findings and conclusions stated above, staff recommends that the Hearing Examiner **APPROVE** this request with the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A. Conditions that must be met prior to Final Plat Approval:

- A-1 The applicant shall redesign the plat so lots 23, 24, 25, 26, 29, 31, 69, and 76 each have an average lot width of 50 feet (see Finding 1).
- A-2 The applicant shall submit a landscape plan that identifies the required L3 buffer along the western property line. This buffer area shall be placed in a separate tract or easement and a home owners association should be recorded that requires the home owners of the plat to maintain the landscaping in accordance with the approved final landscape plan. The final plat shall identify building envelopes for lots affected by this buffer. (See Finding 2)
- A-3 All existing structures on the site shall be removed prior to final plat approval (see Finding 4).
- A-4 The applicant shall provide a fence or other acceptable solid barrier that separates the drainage ditch from the proposed lots immediately to the south in order to make appropriate provisions for public health, safety, and general welfare (see Finding 4).
- A-5 All requisite mitigation shall be completed, unless otherwise postponed through the establishment of a performance/maintenance bond, escrow account, or other financial guarantee acceptable to the Planning Director. (See Finding 8)

- A-6 Appropriate signage of the habitat mitigation boundaries shall be in place. Signage shall read "Habitat Mitigation Area -- Do not damage vegetation. No pet entry." (See Finding 8)
- A-7 A Habitat Conservation Covenant shall be recorded with the county Auditor protecting the "habitat mitigation areas" identified on the plat (see Finding 8).
- A-8 The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$1,000. The reimbursement shall be made within 60 days of issuance of the Hearing Examiner's Decision with evidence of payment presented to staff at Clark County Public Works. (See Finding 7)
- A-9 Water mains supplying fire flow and fire hydrants shall be installed, approved and operational. Either the indicated number or spacing of hydrants is inadequate. Required hydrants shall be installed per Fire Marshal standards with locations approved by the Fire District Chief. (See Finding 11b & 11c)
- A-10 The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus (see Finding 11d).

B. Conditions that must be met prior to Building Permit Issuance:

- B-1 Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system. (See Finding 7)
- B-2 Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.
- B-3 School, Park and Traffic Impact Fees are required for lots in this plat - \$1,725.00.00 (Vancouver School District), \$1,445.00, Acquisition + 440.00 Development = \$1,885.00, (Park District #7, and \$1,399.13 (Orchards Transportation sub-area) respectively. Impact fees shall be paid prior to issuance of a building permit for each lot. If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate.

C. Notes Required on Final Plat

The following notes shall be placed on the final plat:

C-1 Setbacks:

"The following setbacks apply to the proposed plat (see Finding 2):

- a. Twenty foot front setback for all buildings

- b. Ten foot street side setbacks
- c. Five foot standard setback for all other side and rear setbacks in the plat
- d. A 20-foot L3 Landscape buffer along the western property line, abutting the ML Zoned property

C-2 Mobile Homes:

"Placement of Mobile/Manufactured Homes is prohibited."

C-3 Archaeological:

"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

C-4 Critical Aquifer Recharge Areas:

"The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."

C-5 Utilities:

"An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

C-6 Sidewalks:

"Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."

C-7 Erosion Control:

"Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

C-8 Driveways:

"All residential driveway approaches entering public roads are required to comply with CCC 40.350. No lot shall have direct driveway access onto NE 88th Street and NE 91st Street."

C-9 Impact Fees:

"In accordance with CCC 18.65, the School, Park and Traffic Impact Fees for lots in this plat is: \$1,725.00 (Vancouver School District), \$1,885.00.00 (\$1,445.00 - Acquisition; \$440.00 - Development for Park District #7), and \$1,399.13 (Orchards Transportation sub-area) respectively. The impact fees for lots on this plat shall

be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule.”

D. Standard Conditions

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

D-1 Land Division:

Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

D-2 Habitat:

- a. The applicant shall implement the revised "Habitat Study" and mitigation plan submitted by Cascadia Ecological Land Services, Inc. and dated March 15, 2005, except as amended herein.
- b. A copy of this mitigation plan shall be available on site during construction, for inspection by Clark County development inspection personnel.
- c. The applicant shall monitor the mitigation plantings on a yearly basis and ensure an 80% survival rate for all habitat plantings after three (3) growing seasons.
- d. All habitat plantings shall be irrigated on a weekly basis during the first growing season between June 1 and September 30. Additional watering outside of the summer dry season shall be done on an "as needed" basis to ensure plant survival.
- e. Signage shall be posted along the habitat boundaries at an interval of one (1) every one hundred (100) feet and be perpetually maintained in such a manner so as to sufficiently identify and protect habitat functionality.
- f. Changes to the proposed mitigation plan shall be the subject of additional county review and possible permitting under a new Habitat Permit.

D-3 Pre-Construction Conference:

Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

D-4 Erosion Control:

- a. Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 13.27A.
- b. For land divisions, a copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.
- c. Erosion control facilities shall **not** be removed without County approval.

- d. Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

D-5 Excavation and Grading:

- a. Excavation/grading shall be performed in compliance with Chapter J of the 2003 International Building Code (IBC).
- b. Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

D-6 Transportation:

Prior to construction, the applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350.

D-7 Stormwater:

Prior to construction, the applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380.

D-8 Health Department:

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer.

D-9 Utilities:

A copy of the final acceptance letter from the sewer and water purveyor shall be submitted to the Health District with the final plat mylar. The applicant shall comply with all requirements of the purveyor.

D-10 Landscaping:

Prior to recording the final plat, the applicant shall submit a copy of the approved landscape plan(s) for any public right-of-way (if applicable) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee with a maximum fee of \$5,000.

HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. A check in the amount of **\$286** (made payable to the Clark County Board of County Commissioners).

Attachments:

- Proposed Plot Plan
- Site Vicinity Map
- Zoning Map
- List of Exhibits Received to Date

A copy of the preliminary plan, SEPA Checklist and County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
<http://www.co.clark.wa.gov>